

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor(s): Guizeng SHI et al.

Group Art Unit:

Application No.: 09/701,309

Examiner:

Filed: November 28, 2000

For: **COMMUNICATION TERMINAL APPARATUS, BASE STATION APPARATUS AND
RADIO COMMUNICATION METHOD**

DECLARATION UNDER 37 CFR § 1.47(b)

Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Osamu Kato, do hereby solemnly and sincerely declare that:

1. I have acted on behalf of Matsushita Electric Industrial Co., Ltd. in attempting to secure the signature of joint inventor Guizeng Shi on a Declaration Under 37 CFR § 1.63 and Assignment associated with the above-identified application.
2. U.S. Application No. 09/701,309, the subject of this Declaration, which is the U.S. national stage filing of PCT international application number PCT/JP00/01754, claims priority from Japanese Appln. No. 11-094351 filed March 31, 1999, and from Japanese Appln. No. 11-102734 filed April 9, 1999 (see Exhibit A – Applicants' Claim for Priority filed November 28, 2000, and Exhibit B - PCT/IB/304 Notification Concerning Submission or Transmittal of Priority Document).
3. Proof of the proprietary interest of Matsushita Electric Industrial Co., Ltd. in the present application is established by the attached Exhibit C- a copy of an Assignment executed by the

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other two co-inventors of the present application, assigning their entire right, title and interest in the invention and all applications for patent and Letters Patent therefore to Matsushita Electric Industrial Co., Ltd.

4. On March 31, 2000, Guizeng Shi left the employ of Matsushita Electric Industrial Co., Ltd. His last known address is 4-4-18-104, Midori-cho, Akishima-shi, Tokyo 196-0004 JAPAN.

5. On February 8, 2001, I wrote to Guizeng Shi by registered mail and enclosed the following documents (see Exhibit D):

Declaration for Patent Application for the above-captioned application

Assignment for the above-captioned application

Cover letter requesting that Mr. Shi sign and date each of the documents as indicated, and return the originals to Matsushita Electric Industrial Co., Ltd.

6. Having received no response from Mr. Shi by February 16, 2001, I wrote to Mr. Shi by registered mail again on February 16, 2001 and enclosed the following documents (see Exhibit E):

Declaration for Patent Application for the above-captioned application

Assignment for the above-captioned application

Cover letter requesting that Mr. Shi sign and date each of the documents as indicated, and return the originals to Matsushita Electric Industrial Co., Ltd.

7. My correspondences of February 8, 2001 and February 16, 2001 to Mr. Shi were forwarded by registered mail return receipt (see Exhibits F and G – Japanese-language Registered Record of Delivery with English-language annotations of Registered Record of Delivery).

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8. Exhibits F and G show that the mail was returned to sender after a one-week custodial period due to absence of the recipient.

9. To date, despite the diligent efforts of both Matsushita Electric Industrial Co., Ltd. and the undersigned, Guizeng Shi has not complied with either of the above-identified requests to sign the Declaration Under 37 CFR § 1.63 for the present application.

10. Proof of irreparable damage to Matsushita Electric Industrial Co., Ltd. is established by the fact that the grant of a filing date under 35 U.S.C. § 371 is necessary to establish a claim for priority associated with Japanese Appln. No. 11-094351 filed March 31, 1999, and Japanese Appln. No. 11-102734 filed April 9, 1999.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Osamu Kato

Osamu Kato

Date: March 9, 2001